

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #02008

DATE: May 22, 2002

PROPOSAL: Brian Carstens, for Lonnie Athey, has requested a Waiver of Design Standards for a time extension of grading rock gravel, seeding and one street name sign for Liberty Court, as required by Section 26.27.010, 26.27.050 and 26.27.110 of the Land Subdivision Ordinance in the approval of Silver Springs 4th Addition Final Plat.

LAND AREA: 15.17 acres, more or less.

CONCLUSION: The approval of Silver Springs 4th Addition required construction of the road and a street sign. There are no unusual conditions or circumstances to warrant the approval of the waiver.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Silver Springs 4th Addition, located in the E1/2 of Section 32 Township 9 North, Range 7 East of the East of the 6 P.M., Lancaster County, Nebraska.

LOCATION: Dawn Drive and Liberty Lane (South 56th and ½ mile north of Saltillo)

APPLICANT: Brian Carstens
601 Old Cheney Road, Suite "C"110 "Q"
Lincoln, NE
(402) 434 -2424

OWNER: Lonnie Athey

CONTACT: Brian Carstens

EXISTING ZONING: AGR Agricultural Residential

EXISTING LAND USE: Two lots with a horse barn and outbuildings.

SURROUNDING LAND USE AND ZONING:

North: Acreages	AGR Agriculture Residential
South: Acreages	AGR Agriculture Residential
East: Acreages	AGR Agriculture Residential
West: Acreages	AGR Agriculture Residential

HISTORY:.

The Planning Commission approved Silver Springs 4th Addition in **September 6, 2000**

Liberty Lane was vacated in **February 2000**

Silver Springs Final Plat was approved in **1995**

Breezy Acres 1st was created in **1986**

The Highlands Plat was created In **1966**

In **1963**, the first portion of Liberty Lane was created as part of the Breezy Acres Plat.

COMPREHENSIVE PLAN SPECIFICATIONS: The 1994 Comprehensive Plan shows this area as Low Density Residential.

UTILITIES:. None

TRAFFIC ANALYSIS: Liberty Lane and Dawn Ave. are classified as local streets.

ANALYSIS:

1. This is a request to extend the time frame for the installation of the required improvements for Silver Springs 4th Addition Final Plat. These include grading of Liberty Court, rock, gravel, seeding and one street name sign.
2. Bonds were posted for the required improvements with the street improvements to be in place in two years.
3. The applicant states the owner, Lonnie Athey, does not desire to sell lots 3 and 4 at this time and would like an extension of 24 months or longer.
4. The County Engineer notes further delays are not recommended.
5. Prior actions of a similar nature, resulted in the vacation of Liberty Lane because the improvements had not been installed over a period of many years.

Background;

- a) In July 1963 the plat of Breezy Acres was approved and dedicated the northeast 30' of Liberty Lane. That plat showed setbacks to the road right of way.

b) In 1966 The Highland subdivision was approved. East-west roads were waived in lieu of extending Liberty Lane to the west. The subdivider dedicated ½ the road and agreed to bring the road to grade at his expense.

c) In 1979, Breezy Acres South was submitted which would extend Ramona Drive north to Liberty Lane and add the southeast ½ of Liberty Lane. This plat was never completed but was replaced by Breezy Acres 1st.

d) In 1986, Breezy Acres 1st was approved, (replacing Breezy Acres South). The existing building in the south was noted to “be relocated”. Neighbors testified that Ramona Drive should be extended to Liberty Lane and Liberty Lane extended west. City Council, on appeal, waived the improvement to Liberty Lane, the extension of Ramona Drive, and the building of Liberty Lane. Mr. Severin, of Olsson Assoc., representing the applicant, testified that Liberty Lane would be opened in a later phase. Outlot A was created until Liberty Lane was opened.

e) In 1995, Silver Springs Final Plat was created. The County Engineer and the Public Works Department requested Liberty Lane be extended west and built. The Liberty Lane extension (the north 30' only) and 3 lots were shown as one undevelopable Outlot until Liberty Lane is extended. A \$50,000 bond was required for roads.

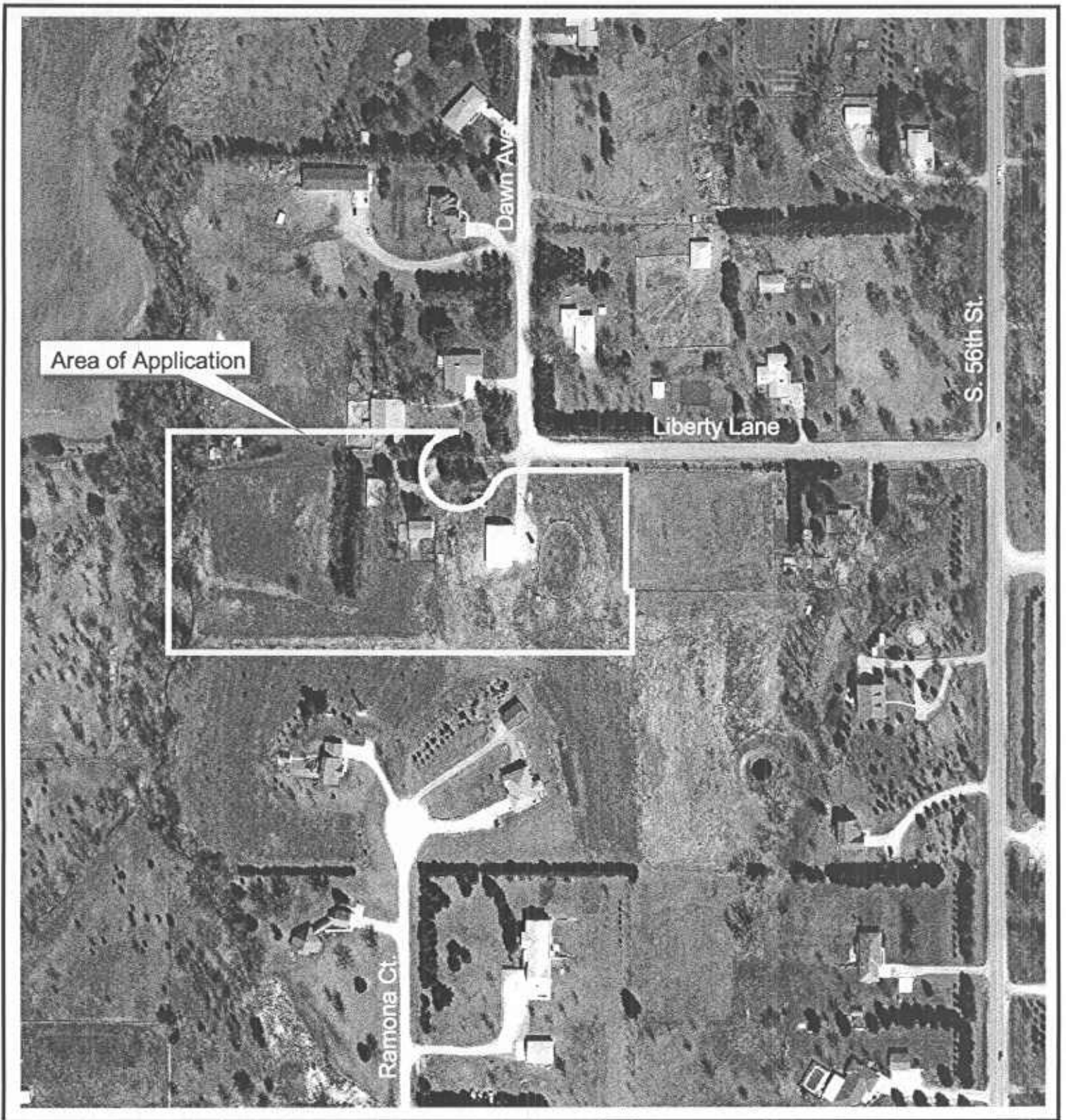
f) In February 2000, the County Board approved the vacation of Liberty Lane between Dawn Ave and Cromwell Drive. The Planning Department and County Engineer had recommended denial. All related bonds and obligations were released.

g) In September 2000, the Planning Commission approved Silver Springs 4th Addition Final Plat that required the construction of Liberty Lane Court as a condition.

5. Chapter 26.31.010 Modification of Requirements, notes that whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual condition that the strict application of the requirements contained in these regulations would result in actual hardship or injustice , the council may vary or modify such requirements. The applicant has not shown any of these circumstances exist to warrant an extension to the time to install the required improvements.

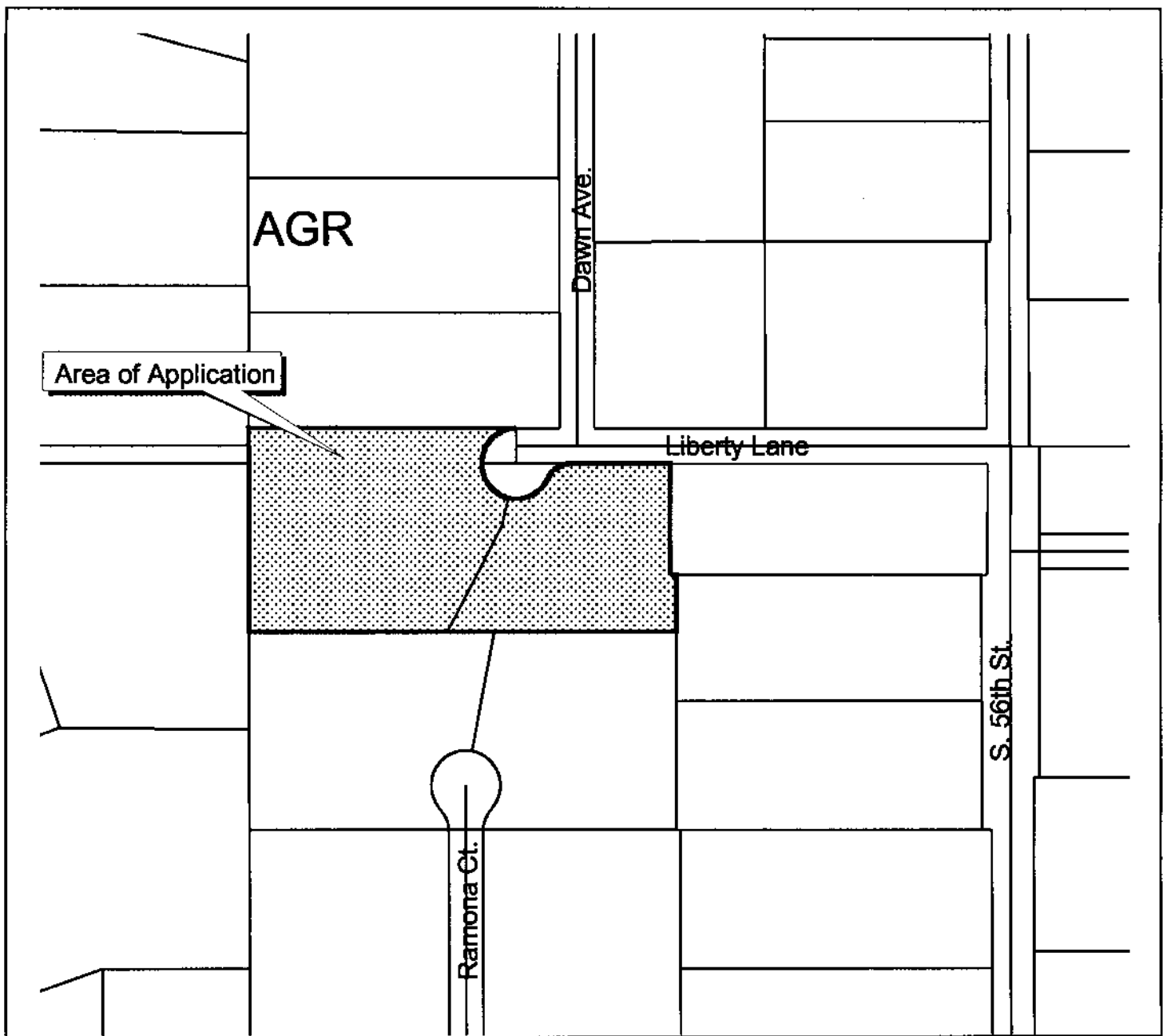
Prepared by:

Mike DeKalb, AICP
Planner



Waiver of Design Standards #02008
Dawn Ave. & Liberty Lane



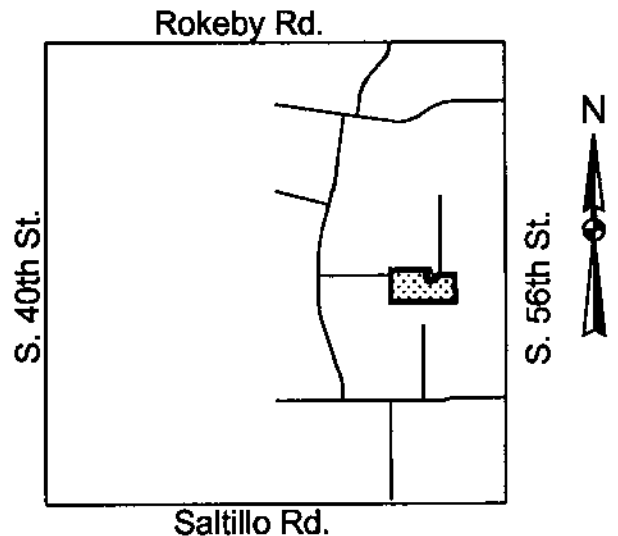
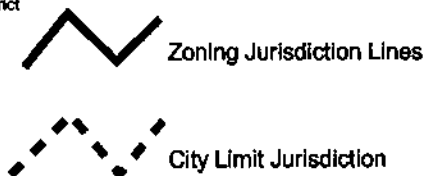


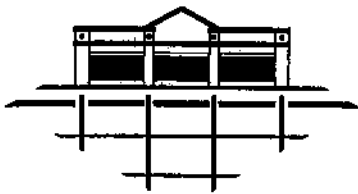
Waiver of Design Standards #02008 Dawn Ave. & Liberty Lane

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 32 T9N R7E





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

May 13, 2002

Mr. Michael V. DeKalb, AICP
Planning Department
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: SILVER SPRINGS 4TH ADDITION - EXTENSION OF TIME FOR IMPROVEMENTS

Dear Mike,

On behalf of Lonnie Athey, I am requesting that the City of Lincoln extend the time for the installation of the required improvements required with the approval of the Silver Springs 4th Addition Final Plat.

The Final Plat of Silver Springs 4th Addition was filed at the Lancaster County Register of Deeds Office on 9/21/2000. Lonnie Athey posted two Certificates of Deposits, one in the amount of \$1,500.00 to guarantee the grading of Liberty Court, and one in the amount of \$1,050.00 for the rock, gravel, seeding, and one street name sign for Liberty Court.

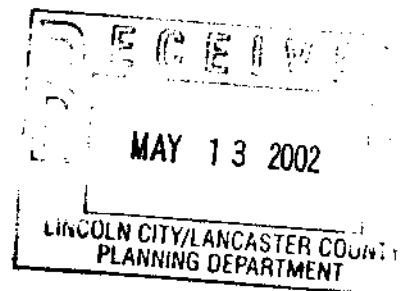
These improvements were to be completed within two years of the approval of the final plat. At this time, Lonnie Athey does not desire to sell off Lots 3 and 4, therefore, the installation of Liberty Court is not required. Lonnie would like to extend the time for these improvements for an additional 24 months or more if possible.

As you are aware, this plat was required with the approval of the vacation of Liberty Lane adjacent to the is property. Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc. Lonnie Athey





Lancaster

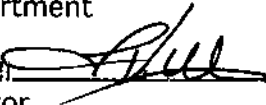
County

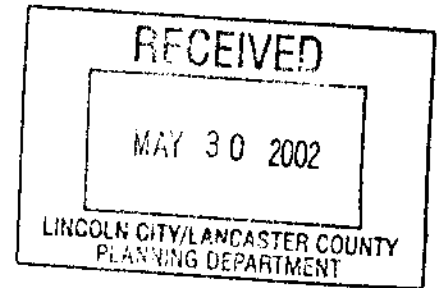
Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: May 29, 2002
TO: Jason Reynolds
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: APPLICATION NO. WDS 02008 REVIEW
(AMENDED)



Upon further consideration, this street construction postponement has
been for a number of years. This office would not recommend any further days.

delays

LVW/cm

SUBDIV.WK/WDS 02008 Review.Mem

SPRINGS

ADDITION

BREEZY

2 ACRES

OUTLOT BREEZY ACRES

1st ADD.

THE

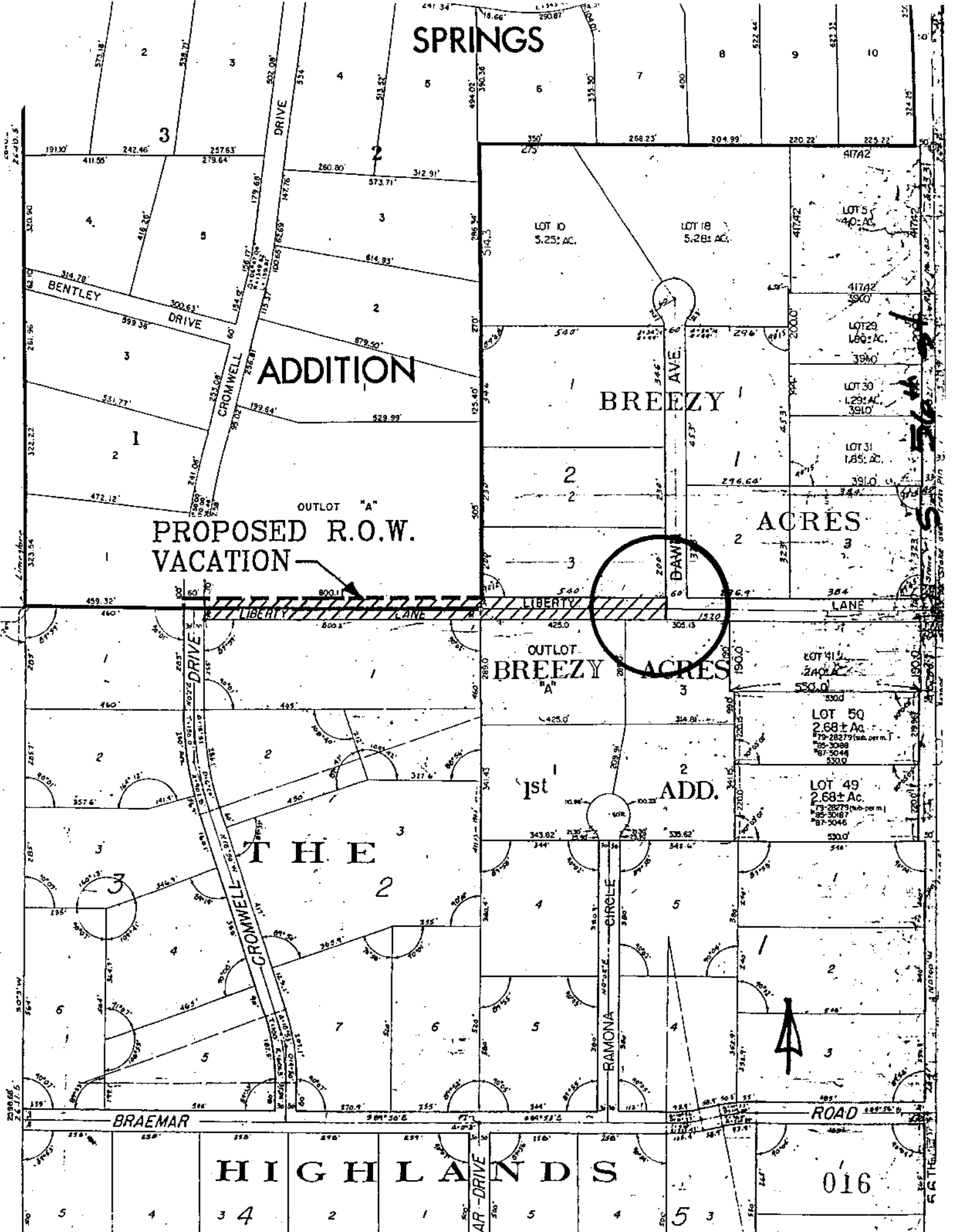
HIGHLANDS

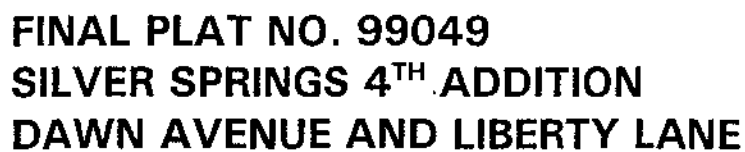
PROPOSED R.O.W.
VACATION

BRAEMAR

ROAD

016





North